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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,929	09/12/2003	Kazuo Takeda	82478-0700	7311

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EXAMINER

VO, TUYET THI

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,929	Applicant(s) TAKEDA ET AL.	
	Examiner Tuyet Vo	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 5-8, 14-24, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 10-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 10, lines 2-4, recitation of “a circuit breaking element that cuts current to the starting wire within a predetermined amount of time of abnormal discharge commencing” does not provide any timing circuit/element that is capable of determining/calculating an amount of time of abnormal discharge.

3. Claims 11-13 are rejected due to their virtual dependency on the defective claim 10. Correction made to claim 10 would also alleviate unclearness toward claims 11-13 as well.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Luijks et al. (US Pat. 6,392,343), hereinafter Luijks.

Luijks discloses a metal halide lamp (Fig. 1), comprising:

a ceramic arc tube that is composed of a main body (3) and two narrow tube parts (3A, 3B, marked by examiner) provided at respective ends of the main body;

a pair of electrodes (31, 32) provided inside the main body (3);
two feeders (28, 29), each being connected at one end thereof to a different one of the electrode inside the main body, and extending through a different one of the narrow tube part, so as to be external to the arc tube at another end;

an UV enhancer (6) having an electrode winding that is connected to one of the feeders, and that is in a vicinity an outer surface of the arc tube; and

a circuit breaking resistor (280) that is on a current path of the UVE winding, and suppresses or cuts off current on the path (col. 2, line 48 and lines 62-65), wherein the resistor (280) has a value of 17 Kilometer ohm.

6. Claims 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Alderman et al. (US Pub. 2003/0006705), hereinafter Alderman.

Alderman discloses a metal halide lamp manufacturing method (Fig. 1), comprising:

a starting wire formation step of forming a starting wire (50) by applying a bending process to a wire so as to bend the wire into a shape that corresponds to a shape of an arc tube;

a fitting step of fitting the formed starting wire around an outer surface of the arc tube;
a connecting step of connecting the starting wire to a mechanism (19) via connecting around one end of a narrow tube parts of the arc tube with less than a turn (Fig. 2A) present in the metal halide lamp and that cuts off current.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luijks.

Luijks discloses substantially the claim invention as noted above in that a resistor being utilized as a circuit breaking element to limit an undesired current flowing through the discharge lamp and leave an option to one skill in the art utilizing any known compatible substance such as a capacitor, wherein its impedance having similar behavior as a resistor, for a particular application as long as it suited. Such implementation is considered as a routine skill in the art.

Allowable Subject Matter

9. Claims 5-8, 14-24 and 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 10-13 are objected to as being dependent upon a rejected base claim and claim rejected under 112 as well as noted above, but would be allowable if rewritten in independent form while correcting 112 rejection including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to establish a specific distance required between two terminals of circuit breaking element as claim in claim 5 or amount of time being determining for abnormal discharge as required in claim 10. The prior art also fails to suggest a conductive supporting part that supports a sleeve to encloses the arc tube and the starting wire passing the supporting part as required in claim 22 or starter conductor is formed in a free state fitting part mutually offset with respective axes of the discharge lamp as required in claim 27.

Citation of pertinent prior art

11. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Jackson et al. (US Pub. 2002/0185979) discloses a ceramic metal halide lamp.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

A handwritten signature in cursive script, appearing to read 'Tuyet Vo', is written over a horizontal line.

Tuyet Vo

Primary Examiner

December 26, 2004